TRIVELLA, FORTE & SMITH, LLP *Attorneys for the Respondents* 1311 Mamaroneck Avenue, Suite 170 White Plains, New York 10605 (914) 949-9075

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK DISTRICT COUNCIL OF CARPENTERS PENSION FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS WELFARE FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS VACATION FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS ANNUITY FUND, NEW YORK CITY COUNCIL DISTRICT OF CARPENTERS APPRENTICESHIP, JOURNEYMAN RETRAINING, EDUCATIONAL AND INDUSTRY FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS CHARITY FUND, and THE NEW YORK CITY AND VICINITY CARPENTERS LABOR-MANAGEMENT COOPERATION FUND, by MICHAEL J. FORDE, and JOSEPH OLIVIERI, as TRUSTEES,

_____X

08-CV-00387

Case Number:

RULE 7.1 STATEMENT

Petitioners,

-against-

JOHN WHYTE d/b/a KW CONSTRUCTION, INC., JOHN WHYTE a.k.a. JOHN WHYTE individually, NASHEEMA RAMJOHN, a.k.a. NASHEEMA WHYTE, WASHINGTON MUTUAL BANK, FA,

Respondents.

SIRS:

Pursuant to Rule 7.1 [formerly local general Rule 1.9] of the Local Rules of the United States

District Court for the Southern District of New York and to enable Judges and Magistrate Judges of
the Court to evaluate possible disqualification or recusal, the undersigned counsel for the

respondents, JOHN WHYTE d/b/a KW CONSTRUCTION, INC., JOHN WHYTE a.k.a. JOHN WHYTE individually, and NASHEEMA RAMJOHN, a.k.a. NASHEEMA WHYTE, certify that the following are corporate parents, affiliates and/or subsidiaries of said parties which are publicly held.

NONE.

Dated: White Plains, New York February 4, 2008

BY: RAQUEL A. WILLIAMS, ESQUIRE (RW 4641)

Attorneys for the Respondents 1311 Mamaroneck Avenue, Suite 170 White Plains, New York 10605 (914) 949-9075

To: NICHOLAS HANLON, ESQ.
O'DWYER & BERNSTEIN, LLP
Attorneys for the Petitioners
52 Duane Street
New York, New York 10007
(212) 571-7100

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
SS.:
COUNTY OF WESTCHESTER)

MICHELLE SALERNO, being duly sworn, deposes and says:

> NICHOLAS HANLON, ESQ. O'DWYER & BERNSTEIN, LLP 52 Duane Street New York, New York 10007

by depositing a true copy of the same enclosed in a post-paid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within

the State of New York.

MICHELLE SALERNO

Sworn to before me this

day of February, 2008.

Notary Public RAQUEL A. WILLIAMS

Notary Public, State of New York

No. 02WI6072574

Qualified in Westchester County Commission Expires April 8, 2010

CERTIFICATE OF SERVICE

STATEMENT on Nicholas Hanlon, Esq. of O'Dwyer & Bernstein, LLP, Attorneys for the Petitioners, by electronic mail in the matter of The New York District Council of Carpenters et al. v. John Whyte d/b/a KW Construction Inc. et al., 08-CV-00387.

FORTE & SMITH, LLP

BV: RAQUEL A. WILLIAMS, ESQUIRE (RW 4641)

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